



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,687	02/09/2006	Junichi Hirai	20060142A	2120
52349 7590 09/14/2007 WENDEROTH, LIND & PONACK L.L.P. 2033 K. STREET, NW SUITE 800 WASHINGTON, DC 20006			EXAMINER KESSLER, MATTHEW E	
			ART UNIT 2109	PAPER NUMBER
			MAIL DATE 09/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/567,687

Applicant(s)

HIRAI ET AL.

Examiner

Matthew E. Kessler

Art Unit

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/09/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 02/09/2006, 07/10/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1-16 are pending.

Claims 1-16 are rejected.

Specification

1. Page number 2 contains section heading "Patent Reference 1:" followed by the corresponding patent reference and number. The heading and patent reference should be removed. Appropriate correction is required.
2. Page number 4 contains the word "bloc" twice in reference to defining the term "chapters" as "the predetermined blocs into which a program which is a unit block comprising content such as..." It is assumed the applicant intended to use the word blocks. Appropriate correction is required.
3. Claim 8 objected to because of the following informalities: Controls is misspelled as "controlls". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2109

4. Claims 3, 12, and 13 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "wherein said status monitoring unit" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. Examiner assumes that applicant intended for claim 3 to be dependant on claim 2 instead of claim 1.

As to claim 12, claim 12 depends on claim 1. Claim 1 defines the storage unit as storing the content that is being transmitted to the receiving unit. Claim 12 defines the "said storage unit" as storing the content received by the receiving unit. Since claim 12 states that the storage unit is storing received content, and claim 1 states that the storage unit stores content for transmitting, it is unclear as to what the storage unit is actually storing. As understood by the claim language, the storage unit will store content that is to be transmitted. After the content is transmitted and then received, it will store the received content in the very same storage unit. Examiner assumes that the applicant intended for claim 12's storage unit to be a separate storage unit. Under this assumption claim 12 will read as:

12. The content transmission device recited in claim 1, further comprising:
a receiving unit configured to receive content from the exterior; and
a memory controlling unit configured to perform control so that content received
by said receiving unit is stored in ~~said~~ a storage unit starting from the interruption
location captured by said interruption location capturing unit.

As to claim 13, claim 13 depends on claim 12, which depends on claim 1. Claim 1 defines the storage unit as storing the content that is being transmitted to the receiving unit. Claim 13 defines the "said storage unit" as storing the content received by the receiving unit. Since claim 13 states that the storage unit is storing received content, and claim 1 states that the storage unit stores content for transmitting, it is unclear as to what the storage unit is actually storing. As understood by the claim language, the storage unit will store content that is to be transmitted. After the content is transmitted and then received, it will store the received content in the very same storage unit. Examiner assumes that the applicant intended for claim 13's storage unit to be a separate storage unit. Under this assumption claim 13 will read as:

13. The content transmission device recited in claim 12, wherein said memory controlling unit performs control so that said transmission unit transmits content to the content receiving device based on said interruption location, while ~~said~~ a storage unit stores content received by said receiving unit.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 8, 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Omura et al. (Omura, hereinafter), USP, 6,430,620.

As to claim 1, Omura teaches a content transmission device connected with a content receiving device over a network, comprising (Referring to the abstract as describing a data transfer method and a system in a computer network.):

a storage unit configured to store content (Column 3, lines 5-6 describes the storing means as “the stream data read out from the storing means”);

a transmission unit configured to transmit content to said content receiving device (Column 3, lines 10-11 describes the transmitting means, and transmitting packets through the network.);

a interruption location capturing unit configured to capture an interruption location at which said content receiving device became unable to receive content, or an interruption location at which the user of said content receiving device interrupted viewing and/or listening with said content receiving device (Column 7, lines 54-62 mention using suffixes in the packets to denote positions numbers that are used in the re-transfer of data.); and

a transmission controlling unit configured to control said transmission unit so as to transmit content in said storage unit to said content receiving device based on the interruption location captured by said interruption location capturing unit (Column 9, lines 38-49 states that “the position number calculated this way is informed to the packet transmitting means together with the re-transfer request requesting re-transmission of data.” It is interpreted that the position number stated is equivalent to an interruption location.).

As to claim 2, Omura teaches the content transmission device recited in claim 1 (Omura teaches all the limitations of claim 1), wherein said interruption location capturing unit further comprises a status monitoring unit configured to receive and monitor the status of said content receiving device from said content receiving device, while capturing the interruption location based on said status (Column 9, lines 38-57. Omura teaches that the re-transfer controlling means carries out steps S31 to S32 to S33 as seen in FIG 3, which describes status monitoring and recording the position of the interruption.).

As to claim 3, Omura teaches the content transmission device recited in claim 1 (Omura teaches all the limitations of claim 1 and 2), wherein said status monitoring unit receives notification that reception of content has become impossible from said content receiving device, and captures the interruption location based on said notification (Column 9, lines 38-57. The re-transfer request is sending notification to the transmitting means for re-transfer due to packet loss and from FIG 6(c) described in column 9, lines 50-57 the request can be seen to include the position of the packet loss.).

As to claim 4, Omura teaches the content transmission device recited in claim 2 (Omura teaches all the limitations of claim 2), wherein said status monitoring unit detects that the error rate of communications with said content receiving device has exceeded a predetermined value, and captures the interruption location based on those detection results (Column 2, lines 9-18. Describes monitoring the receiving buffer and in the occurrence of any data loss reports the loss rate to the packet transmitting means. It is interpreted that detecting the loss rate is detecting the

Art Unit: 2109

error rate. Furthermore in column 9, lines 38-49 Omura describe the recording of position number in the event of data loss.).

As to claim 5, Omura teaches the content transmission device recited in claim 2 (Omura teaches all the limitations of claim 2), wherein said status monitoring unit detects that communication between said content transmission device and said content receiving device has been cut off, and captures the interruption location based on those detection results (Column 9, lines 38-57. The re-transfer controlling means describes the status monitoring unit as well as interruption location capturing unit and is described to handle packet loss, which reads on the content transmission device and content receiving device as being cut off.).

As to claim 6, Omura teaches the content transmission device recited in claim 1 (Omura teaches all the limitations of claim 1), wherein said interruption location capturing unit captures said interruption location based on the time at which said content receiving device became unable to receive content or the time at which the user of said content receiving device interrupted viewing and/or listening with said content receiving device (Column 10, lines 18-20. Describes using time information for the place of the position number incorporated in the packet header.).

As to claim 8, Omura teaches the content transmission device recited in claim 1 (Omura teaches all the limitations of claim 1), wherein said transmission controlling unit controls said transmission unit so as to transmit content starting from said interruption location to said content

Art Unit: 2109

receiving device (Column 9, lines 58-67. Omura teaches that “the re-transfer controlling means 407 reads out stream data of prescribed size from the transmission buffer 404 according to the position number included in the re-transfer request and delivers it to the packet transmitting means 402”. It is interpreted that in this case the re-transfer controlling means sends the request to the transmission means. When the transmission means receives the request it is transmitted from the interruption location, in this patent called a position number.).

As to claim 9, Omura teaches the content transmission device recited in claim 1 (Omura teaches all the limitations of claim 1), wherein said transmission controlling unit controls said transmission unit so as to transmit content to said content receiving device starting from a predetermined location in advance, by a predetermined amount, of said interruption location (Column 9, lines 38-57. Re-transfer controlling means are described as re-transferring lost packets based on position location. It is interpreted that the interrupt location is the position number in the prior art and that the prior art is using a predetermined location in advance by an amount of zero.).

As to claim 14, Omura teaches the content transmission device recited in claim 2 (Omura teaches all the limitations of claim 2), wherein said status monitoring unit notifies said transmission controlling unit of detection results upon detecting that said content receiving unit has become able to receive or play back content; and said transmission controlling unit controls said transmission unit so as to transmit content of said storage unit to said content receiving device based on said detection results (Column 8, lines 31-44 teach that the client notifies the

Art Unit: 2109

packet transmitting means of its current ability for transfer. In this case it is requesting the rate to be lowered. It is interpreted that although the client is requesting a rate change in transmission, the receiving device is still notifying the transmission unit that it is able to receive content. Column 8, lines 45-54 teach the packet transmitting means as reading out the stream data from the transmission buffer in response to the rate change request as detected by the client. The transmission device is sending the information in response to the receiving means detection of ability to receive content.).

As to claim 15, Omura teaches the content transmission device recited in claim 2 (Omura teaches all the limitations of claim 2), wherein said status monitoring unit, upon receiving a request for transmission starting from said interruption location from said content receiving device, notifies said transmission controlling unit of said transmission request (Column 9, lines 38-57. It is interpreted that the re-transfer requesting means is operating as the status monitor indicating when there is a need to for retransmission and that the packet receiving means is the receiving device. Omura teaches that the re-transfer requesting means in conjunction with the packet receiving means sends a request to the transmission unit to retransmit information according to the position of the lost data.); and

said transmission controlling unit controls said transmission unit so as to transmit the content in said storage unit to said content receiving device based on the notification of said transmission request (Column 9, lines 58-66 teaches the retransferring of lost data upon receiving the request for re-transfer of data.).

Art Unit: 2109

As to claim 16 Omura teaches a content transmission method for a content transmission device connected with a content receiving device over a network, comprising the steps of (Referring to the abstract as describing a data transfer method and a system in a computer network.):

storing content (Column 3, lines 5-6 describes the storing means as “the stream data read out from the storing means”);

transmitting content to said content receiving device (Column 3, lines 10-11 describes the transmitting means, and transmitting packets through the network.);

capturing the interruption location at which said content receiving device became unable to receive content, or the interruption location at which the user of said content receiving device interrupted viewing and/or listening with said content receiving device (Column 7, lines 54-62 mention using suffixes in the packets to denote positions numbers that are used in the re-transfer of data.);

and performing control so as to transmit content stored in said storage step to said content receiving device based on the interruption location captured in said interruption location capture step (Column 9, lines 38-49 states that “the position number calculated this way is informed to the packet transmitting means together with the re-transfer request requesting re-transmission of data.” It is interpreted that the position number is equivalent to an interruption location.).

6. Claims 1, and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Itoh et al. (Itoh, hereinafter), US Application, 2002/0073136.

Art Unit: 2109

As to claim 1 Itoh teaches a content transmission device connected with a content receiving device over a network, comprising (Paragraph [0021] “transmission from a sending device(server)):

a storage unit configured to store content (Paragraph [0023] “a receiving buffer” which stores the time stamps indicating the reproduction order of the VOP data as well as the VOP data itself.);

a transmission unit configured to transmit content to said content receiving device (Paragraph [0021] “packets that have been sent by RTP/UDP/IP transmission from a sending device (server).”);

a interruption location capturing unit configured to capture an interruption location at which said content receiving device became unable to receive content, or an interruption location at which the user of said content receiving device interrupted viewing and/or listening with said content receiving device (Paragraph [0033] describes a memory management unit that records the time stamp of the data that has been decoded or reproduced last in the memory. The last time stamp serves as an interruption location.); and

a transmission controlling unit configured to control said transmission unit so as to transmit content in said storage unit to said content receiving device based on the interruption location captured by said interruption location capturing unit (Paragraph [0029] describes the connection request creation unit in conjunction with the sending/receiving unit as sending a request to transmit data with a start position that is shown by the last recorded time stamp. The last recorded time stamp would be the location of the interrupt.).

As to claim 12, Itoh teaches the content transmission device recited in claim 1 (Itoh teaches all the limitations of claim 1), further comprising:

a receiving unit configured to receive content from the exterior (Paragraph [0021] describes a “data receiving terminal” which receives packets transmitted from the sending device. The sending device is exterior to the receiving terminal.); and

a memory controlling unit configured to perform control so that content received by said receiving unit is stored in said storage unit starting from the interruption location captured by said interruption location capturing unit (Paragraph [0030] describes the interaction between the control unit, the message sending/receiving unit, and the data receiving unit. Paragraph [0029] discusses the connection request creation unit included in the control unit that sends a request to the sending device to transmit data according to the time stamp of the last reproduced data.

When the sending device has sent the acknowledgement to send data from the time stamp, the message sending/receiving unit tells the data receiving unit to open up and begin receiving data.

It is understood that then the receiving buffer will then begin to store the content from the interrupted location. It is therefore interpreted that the interaction between the control unit that includes the connection request creation unit, message sending/receiving unit, and data receiving unit serve as a memory controlling unit that stores content starting from the interruption location in the storage unit, defined here as the receiving buffer.).

As to claim 13 Itoh teaches the content transmission device recited in claim 12 (Itoh teaches all the limitations of claim 1), wherein said memory controlling unit performs control so that said transmission unit transmits content to the content receiving device based on said

Art Unit: 2109

interruption location, while said storage unit stores content received by said receiving unit (Paragraph [0029] describes the connection request creation unit in conjunction with the sending/receiving unit as sending a request to transmit data with a start position that is shown by the last recorded time stamp. The last recorded time stamp would be the location of the interrupt. Furthermore the content sent in response to the request is described in paragraph [0023] "a receiving buffer" which stores the time stamps indicating the reproduction order of the VOP data as well as the VOP data itself.).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

Art Unit: 2109

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omura as applied to claim 1 above, and further in view of Sull. et al. (Sull, hereinafter), US Application, 2007/0033170.

As to claim 7 Omura teaches all the limitations of the content transmission device recited in claim 1, but does not teach wherein said content comprises a plurality of chapters, and said interruption location capturing unit captures the interruption location in chapter units.

However, in an analogous art, Sull teaches said content comprises a plurality of chapters, and said interruption location capturing unit captures the interruption location in chapter units (Applicant has limited the term chapter in page 4 paragraph 5 as "the predetermined bloc[k]s into which a program, ..., is divided." In paragraph [0160] Sull describes the use of bookmarks as storing metadata. These bookmarks are noted as being either automatically generated or annotated by a user and in referring to the stored metadata: "most of the description is structured around "segments" that represent spatial, temporal or spatial-temporal components of the audio-visual content. In the case of video content, the segment may be a single frame, a single shot consisting of successive frames, or a group of several successive shots." It is then understood

Art Unit: 2109

that these multimedia bookmarks constitute chapter information. Sull further describes creating a multimedia bookmark using termination position information in paragraphs [0295-0296].).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Sull's method of segmenting data and storing the position according to this segment metadata information with Omura's content transmission device. One would be motivated to combine Sull's teachings with Omura's content transmission device because as Sull states in paragraph [0014] that "in some cases, it is desirable to begin the playback of the multimedia file a certain time before the terminated point". Saving the information in such segments, would allow for this functionality.

As to claim 9 Omura teaches the content transmission device recited in claim 1, but does not teach wherein said transmission controlling unit controls said transmission unit so as to transmit content to said content receiving device starting from a predetermined location in advance, by a predetermined amount, of said interruption location.

However, Sull teaches in paragraph [0014] that "the interrupted presentation of the multimedia file will usually resume exactly at the previously saved terminated position. However, in some cases, it is desirable to begin the playback of the multimedia file a certain time before the terminated point, since such rewinding could help refresh the user's memory." Furthermore paragraph [0297] describes the functionality "as mentioned above, the rewind scope generally defines how much to rewind the video or multimedia file back towards its beginning. For example, the rewind scope may be a fixed amount before the termination position or the last

Art Unit: 2109

scene boundary prior to the termination position. User preferences may also be employed to determine the rewind scope.”

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Omura with the teachings of Sull to include the mentioned functionality of playing back the multimedia file a certain time before the terminated point because it can refresh the user's memory.

As to claim 10 Omura teaches the content transmission device recited in claim 1, but does not teach wherein said content comprises a plurality of chapters; said interruption location capturing unit captures as the interruption location the chapter including the location at which

said content receiving device became unable to receive content, or the location at which the user of said content receiving device interrupted viewing and/or listening with said content receiving device; and

said transmission controlling unit controls said transmission unit so as to transmit content to said content receiving device starting from the beginning of the chapter captured by said interruption location capturing unit.

However the applicant has limited the term chapter in page 4 paragraph 5 as “the predetermined bloc[k]s into which a program, ..., is divided.” In paragraph [0160] Sull describes the use of bookmarks as storing metadata. These bookmarks are noted as being either automatically generated or annotated by a user and in referring to the stored metadata: “most of the description is structured around “segments” that represent spatial, temporal or spatial-temporal components of the audio-visual content. In the case of video content, the segment may

Art Unit: 2109

be a single frame, a single shot consisting of successive frames, or a group of several successive shots.” It is then understood that these multimedia bookmarks constitute chapter information.

Sull further describes creating a multimedia bookmark using termination position information in paragraphs [0295-0296].

Sull further describes in paragraph [0301] sending a transmission request as “After sending the playback request to the network server, method 5800 preferably proceeds to step 5810 where the client system waits to receive the refresh frames from the network server.” This playback request was based upon the multimedia bookmark. Furthermore paragraph [0303] describes “the client system begins playback of the interrupted video or multimedia content from the previously terminated position.” Although there is no transmission means implicitly referenced, it is noted that a bookmark position was stored in according to the interruption location. A playback request was sent to the network server according to the interruption location. And then the requested content was sent back according to the bookmarked location.)

It would have been obvious to one of ordinary skill in the art to modify Omura’s transmission device with the teachings of Sull to include the mentioned functionality of playing back the multimedia file that are structured around “segments” according to the said segments because as paragraph [0014] suggests it can refresh the user’s memory.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Omura as applied to claim 1 above, and further in view of Hamanaga et al. US Application 2005/0176460 (Hamanaga, hereinafter) and Sull et al. (hereinafter Sull), US Application, 2007/0033170.

Omura teaches the content transmission device recited in claim 1, but does not teach wherein said interruption location capturing unit captures the interruption reason for which the content receiving device became unable to receive content, or the interruption reason for which the user of said content receiving device interrupted viewing and/or listening with said content receiving device.

However Hamanaga teaches wherein said interruption location capturing unit captures the interruption reason for which the content receiving device became unable to receive content, or the interruption reason for which the user of said content receiving device interrupted viewing and/or listening with said content receiving device (paragraph [058] states the following in regards to storing the reason there was an interruption: “the interruption information Q1 is information for helping the user A to remember why the user A made a call (which may have been interrupted before a voice call actually began), and why the interruption occurred.”); and

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Omura’s content receiving and transmitting device with Hamanaga’s recording of the interruption reason because in paragraph [0021] Hamanaga gives the motivation that storing the interruption information is helpful for remembering why a past communication was performed.

Omura in combination with Hamanaga does not teach, but Sull teaches said transmission controlling unit determines the predetermined distance to retrace from the interruption location according to said interruption reason, and controls said transmission unit to transmit content starting from the predetermined distance determined to said content receiving device (paragraph [0014] for playing content from a predetermined distance prior to the termination position: “The

interrupted presentation of the multimedia file will usually resume exactly at the previously saved terminated position. However, in some cases, it is desirable to begin the playback of the multimedia file a certain time before the terminated point, since such rewinding could help refresh the user's memory.” Furthermore paragraph [0297] describes the functionality “as mentioned above, the rewind scope generally defines how much to rewind the video or multimedia file back towards its beginning. For example, the rewind scope may be a fixed amount before the termination position or the last scene boundary prior to the termination position. User preferences may also be employed to determine the rewind scope.”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Omura's content receiving and transmitting device with Hamanaga's recording of the interruption reason, as well as Sull's ability to replay content at a predetermined distance in advance from the interruption location because Sull states in paragraph [0014] that “it is desirable to begin the playback of the multimedia file a certain time before the terminated point, since such rewinding could help refresh the user's memory.”

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hagai et al. USP 7,051,110. Hagai et al. describes a method for playback and transmission of data that takes into account instances of interruption. Furthermore the article by Yuko Ogami entitled “Multimedia Session Seigyo Protocol ni okeru Mobility Kakucho kino ni Tsuite” published in the Information Processing Society of Japan Kenkyu Hokoku Vol. 2001, No. 83 pg. 253-259.

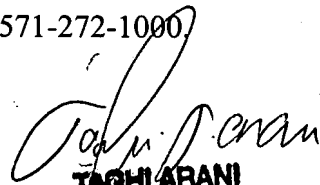
Art Unit: 2109

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Kessler whose telephone number is (571) 270-5005.

The examiner can normally be reached on Monday through Friday 7:30 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani can be reached on (571)272-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


TAGHI ARANI
PRIMARY EXAMINER
9/12/07